

**ENTERED**

February 16, 2016

David J. Bradley, Clerk

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
BROWNSVILLE DIVISION**

MELQUIADES MENDIOLA, JR.,  
Petitioner,

v.

WILLIAM STEPHENS,  
Respondent.

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Civil Action No. 1:16-cv-012

**ORDER ADOPTING MAGISTRATE  
JUDGE'S REPORT AND RECOMMENDATION**

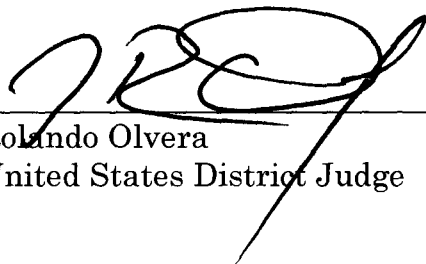
Before the Court is the Magistrate Judge's Report and Recommendation in the above-referenced cause of action. No objections have been filed. After a de novo review of the file, the Magistrate Judge's Report and Recommendation is **ADOPTED**. It is therefore, **ORDERED, ADJUDGED, and DECREED** that Mendiola's § 2254 Petition for Writ of Habeas Corpus (Dkt. No. 1) is **DISMISSED** with prejudice, as Mendiola's Petition is malicious and duplicative of the petition he has filed in *Melquiades Mendiola, Jr. v. Williams Stephens*, 1:14-cv-00261. Further, this Court warns Mendiola that future filings of a frivolous, duplicative, or malicious nature may result in sanctions. A certificate of appealability shall not issue.

Signed on this 16<sup>th</sup> day of February, 2016.

United States District Court  
Southern District of Texas  
FILED

FEB 16 2016

David J. Bradley, Clerk of Court

  
Rolando Olvera  
United States District Judge